

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WATER AND WASTE MANAGEMENT
601 57th STREET SE
CHARLESTON, WV 25304

WEST VIRGINIA/NPDES
MULTI-SECTOR GENERAL WATER POLLUTION CONTROL PERMIT

FACT SHEET AND RATIONALE

Commented [A1]: Please review 40 CFR 124.8 to be sure that all relevant parts of the facts sheet are included here.

Commented [A2]: Many of the conclusions/decisions made by WVDEP with respect to this permit need to be explained in this fact sheet.

1. NAME AND ADDRESS OF APPLICANT: Any establishment with discharges, composed entirely of stormwater associated with industrial activity, agreeing to be regulated under the terms of this proposed general permit (except as noted herein).
2. GENERAL WV/NPDES PERMIT NO.: WV0111457
3. COUNTY: Any WV county
4. RECEIVING STREAM: Any WV stream
5. PUBLIC COMMENT PERIOD FROM TO
6. BACKGROUND

The West Virginia Multi-Sector Stormwater General Permit for Industrial Activities is intended to cover stormwater discharges to waters of the State from a wide variety of industrial activities and is derived from, and based in large part upon, the Final National Pollutant Discharge Elimination System Multi-Sector Stormwater General Permit For Industrial Activities as promulgated by the Environmental Protection Agency (EPA) in Federal Register Volume 80 No. 115, Tuesday June 16, 2015 / Notices (the "Federal Multi-Sector Permit" or FMSP).

The West Virginia Multi-Sector Stormwater Permit is proposed to replace the existing Stormwater Multi-Sector Permit No. WV0111457. All facilities covered under the existing general permit six months before the effective date of the proposed 2019 general permit, will be required to submit a new registration form to obtain coverage under the new Multi-Sector Stormwater Permit. Upon receipt of the registration application form, the Division of Water and Waste Management (DWWM) will review it for completeness. DWWM then will advise an applicant of its coverage under this general permit and advise applicable Sector and Monitoring Requirements. Proposed stormwater discharges, or discharges without previous general permit coverage or applications, are

Commented [A3]: I'm not sure if this is what the sentence means, but it was confusing without specifying the GPs.

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also eligible for coverage under the general permit;-- however, each discharge/facility must meet the public notice and public comment requirements.

7. TYPES OF DISCHARGES COVERED

This general permit covers stormwater discharges associated with industrial activity from industrial categories which the EPA has determined to contain stormwater discharges consistent with the EPA's definition of "stormwater discharges associated with industrial activity," except those stormwater discharges described in the next section. These industrial categories have been regrouped into the 23 sectors based upon similarities in the nature of the industrial activity, the type of materials handled, and material management practices employed. This general permit also covers stormwater discharges associated with industrial activity from those industries which will not be, or are currently not, covered under sectors A through W. Refer to the general permit, Part A, for the types of discharges covered under each sector.

8. TYPES OF DISCHARGES NOT COVERED

The State of West Virginia has decided to regulate stormwater associated with the following industrial activity through individual WV/NPDES Permits. Most of these facilities are subject to effluent guidelines and/or operating under individual WV/NPDES permit.

Cement Manufacturing (40 CFR Part 411)
Feedlots (40 CFR Part 412)
Fertilizer Manufacturing (40 CFR Part 418)
Petroleum Refining (40 CFR Part 419)
Phosphate Manufacturing (40 CFR Part 422)
Steam Electric (40 CFR Part 423)
Coal Mining (40 CFR Part 434)
Mineral Mining and Processing (40 CFR Part 436)
Ore Mining and Dressing (40 CFR Part 440)
Oil and Gas Extraction (SIC Major Group 13)
Publicly Owned Treatment Works (SIC 33)
Landfills
Land Application Sites
Primary Metals
Discharges Associated with Construction Activities.
Wood Preserving Facilities (SIC 2491)
Hazardous Waste Treatment, Storage or Disposal Facilities
Leather Tanning or Finishing (SIC 3111)
Water Transportation Facilities
Ship and Boat Building or Repairing (SIC 3731)

Commented [A5]: It should be explained in here why these types of facilities are not eligible for the GP.

Commented [A6R5]: As stated above in 8 have Effluent limitation guidelines and or covered under individual permits.

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Commented [A8]: Do these sectors have neither a CFR part or SIC to reference here?

Commented [A9R8]: No, they have neither

9. MONITORING REQUIREMENTS

This general permit requires analytical monitoring for discharges from certain classes of industrial facilities. The general permit requires mainly analytical monitoring for the industry sectors or subsectors that demonstrated a potential to discharge pollutants at concentrations of concern. The general permit also requires effluent limitation monitoring for Sector H. Stormwater Discharges Associated with Industrial Activity from Vehicle Maintenance Areas, Equipment Cleaning Areas, or Deicing Areas Located at Air Transportation Facilities. This monitoring stems from an effluent limitation established in May 2012. To determine when such analytical monitoring would be required, the EPA established benchmark concentrations for the pollutant parameters on which monitoring results had been received. These benchmarks are the pollutant concentrations above which the EPA determined represents a level of concern. The level of concern is a concentration at which a stormwater discharge could potentially impair, or contribute to impairing, water quality or affect human health from ingestion of water or fish. DWWM also views the benchmarks as a level; that, if below, a facility represents little potential for water quality concern. As such, the benchmarks also provide an appropriate level to determine whether a facility's stormwater pollution prevention measures are successfully implemented. The benchmark concentrations are not effluent limitations and should not be interpreted or construed as such. These values are merely levels which the DWWM is using to determine if a stormwater discharge from any given facility merits further monitoring to ensure that the facility has been successful in implementing the approved Stormwater Pollution Prevention Plan (SWPPP). As such, these levels represent a target concentration for a facility to achieve through implementation of pollution prevention measures at the facility. The following table lists the parameter benchmark values as selected by the DWWM.

**Parameter Benchmark Values
West Virginia**

Parameter Name	Benchmark Level	Source*
Biochemical Oxygen Demand (5)	30 mg/l	4
Chemical Oxygen Demand	120 mg/l	5
Total Suspended Solids	100 mg/l	14
Oil and Grease	15 mg/l	8
Nitrate+Nitrite Nitrogen	0.68 mg/l	7

Commented [A10]: Why is this term in quotes sometimes but not others?

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Commented [A12]: Does WVDEP approve the SWPPP itself, or does review of the SWPPP as part of the application mean it is approved if coverage is granted?

Commented [A13R12]: The SWPPP must be approved before coverage may be granted.

Parameter Name	Benchmark Level	Source*
Total Phosphorus	2.0 mg/l	6
PH	6.0-9.0 s.u.	14
Acrylonitrile (c)	7.55 mg/l	2
Aluminum, Total (pH 6.5-9)	0.75 mg/l	1
Ammonia	4 mg/l	14
Antimony, Total	0.636 mg/l	9
Arsenic, Total (c)	0.16854 mg/l	9
Benzene	0.01 mg/l	10
Beryllium, Total (c)	0.13 mg/l	2
Butylbenzyl Phthalate	3 mg/l	3
Cadmium, Total (H)	0.0159 mg/l	9
Copper, Total(H)	0.0636 mg/l	1
Chloride	860 mg/l	1
Dimethyl Phthalate	1.0 mg/l	11
Flouranthene	0.042 mg/l	3
Fluoride	1.8 mg/l	6
Iron, Total Recoverable	1.5 mg/l	12
Lead, Total (H)	0.0816 mg/l	1
Manganese	0.0636 mg/l	13
Mercury, Total	0.0024 mg/l	1
Nickel, Total (H)	1.417 mg/l	1
PCB-1016(c)	0.000127 mg/l	9
PCB-1221(c)	0.10 mg/l	10
PCB-1232(c)	0.000318 mg/l	9
PCB-1242(c)	0.00020 mg/l	10
PCB-1248(c)	0.002544 mg/l	9
PCB-1254(c)	0.10 mg/l	10

Parameter Name	Benchmark Level	Source*
PCB-1260(c)	0.000477 mg/l	9
Phenols, Total	1.0 mg/l	11
Pyrene (PAH.c)	0.01 mg/l	10
Selenium, Total	0.2385 mg/l	9
Silver, Total (H)	0.0318 mg/l	9
Trichloroethylene (c)	0.0027 mg/l	3
Zinc, Total (H)	0.117 mg/l	1

(*) Sources

1. "EPA Recommended Ambient Water Quality Criteria." Acute Aquatic Life Freshwater
2. "EPA Recommended Ambient Water Quality Criteria." LOEL Acute Freshwater
3. "EPA Recommended Ambient Water Quality Criteria." Human Health Criteria for Consumption of Water and Organisms
4. Secondary Treatment Regulations (40 CFR 133)
5. Factor of 4 times BOD5 concentration - Benchmark
6. North Carolina stormwater benchmark derived from NC Water Quality Standards
7. National Urban Runoff Program (NURP) median concentration
8. Median concentration of Stormwater Effluent Limitation Guideline (40 CFR Part 419)
9. Minimum Level (ML) based upon highest Method Detection Limit (MDL) times a factor of 3.18
10. Laboratory derived Minimum Level (ML)
11. Discharge limitations and compliance data
12. WV State water quality standards.
13. Colorado - Chronic Aquatic Life Freshwater - Water Quality Criteria
14. Baseline General Permit for Stormwater Discharges from Industrial Activity and Best Professional Judgment (BPJ)

Notes:

(c) carcinogen

(H) hardness dependent

(PAH) Polynuclear Aromatic Hydrocarbon

The benchmark for total -recoverable lead -for all -sampling is 0.0816 mg/l, 0.117 for total recoverable zinc, and 0.0636 for total recoverable copper. -These samples are hardness dependent, and WV DEP used a hardness value of 100mg/l to determine these values. -100 mg/l is a conservative value of hardness for all waters of the state.

As can be seen here, benchmark concentrations were determined based upon ~~a number of several~~ existing standards or other sources to represent a level above which water quality concerns could arise. The DWWM has sought to develop values which can realistically be measured and achieved by industrial facilities. Moreover, stormwater discharges with pollutant concentrations occurring below these levels would not warrant further analytical monitoring due to their minor potential effect on water quality. The DWWM believes that each of these benchmark values represents a reasonable level below which water quality impacts should not occur and they, therefore, represent a useful level to assess whether a SWPPP ~~pollution-prevention-plan~~ is controlling pollution in the stormwater discharges.

Commented [A14]: The values should be protective of the receiving waters.

Commented [A15]: What is the basis for this conclusion?

Commented [A16R15]: Based upon water quality standards for the receiving stream if under these benchmarks should not lead to exceedances for the Water Quality standard for that stream

The DWWM has adopted each of the benchmark values as determined by the EPA and tabulated in the Federal Multi Sector Permit Rationale under the table on page 3 of this fact sheet, Parameter Benchmark Values.

Commented [A17]: Sometimes this is hyphenated, sometimes it's not. Which should it be?

Commented [A18]: See comments in the permit document wrt benchmark parameters that do not correlate to the EPA MSGP.

Commented [A19R18]: Ammonia benchmark has been changed to 2.14 mg/l to reflect the federal MSGP. Ethyl Benzene and Toluene Benchmarks have been removed from the permit. DEP determines the metal benchmarks to be conservative limit for all discharges. The assumption is the receiving water hardness for all state waters CaCo3 is 100 mg/l.

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CHANGES FROM THE 2014 PERMIT

The following changes have been made to the general permit:

Page 1. Asphalt Emulsion (40 CFR Part 443) has been removed the list of facilities ineligible for coverage under this General Permit. Effluent limits are required for facilities covered under this sector – which is sector D-2B and is listed on Page 9 of the General Permit.

Page 2. Language to reflect how to maintain existing permit coverage for any facility has been changed to the following:

Registrations approved six months prior to and through the effective date of the GP may retain coverage under the Water Pollution Control Permit WV0111457. This Certification is available for facilities that have had no changes that could affect stormwater discharges since the registration approval date. This coverage is contingent upon all permittees certifying that they will agree to all terms and conditions of this GP by completing the required form provided by the Director.

Registrations issued more than 6 months prior to the effective date must submit a complete renewal application within six months of the effective date to continue coverage under this GP. The reissuance application must describe any changes that have taken place since the previous registration, including new activities under additional sectors. New sources in this Permit are defined as stormwater discharges from any facility that began operations after the effective date of this GP. All other facilities discharges are defined as existing sources.

Page 3. All facilities covered under this General Permit are subject to public notice requirements the first time they apply. This is required to ensure that all facilities comply

Commented [A20]: Does this req't apply to those renewing coverage as well?

Commented [A21R20]: Public notice is not required for renewals

with antidegradation requirements. This public notice is a requirement under CSR Section 60-5-8.

Page 3. Clarifies that to terminate permit coverage under this permit a signed, dated request must be submitted to this Division within 30 days of termination of activities requiring permit coverage. This requirement is being implemented to provide guidance to permittees about how their registrations may be closed for sites that are no longer active. This language has been changed from the 2014 permit, and the new language in the permit is listed below.

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If this GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 47 CSR Part 10 and remain in force and effect. If you were authorized to discharge under this GP prior to the expiration date, any discharges authorized under this Permit will automatically remain covered by this GP until the earliest of:

1. Your authorization for coverage under a reissued GP, or under a replacement of this GP, following your timely and appropriate submittal of a complete application requesting authorization to discharge under the new GP and compliance with the requirements of the new permit; or
2. Your submittal of notification that the facility has ceased operations, and a request for termination of permit coverage; or
3. Issuance or denial of an individual permit for the facility's discharge; or
4. A formal permit decision by the Director not to reissue this GP, at which time the Director will identify a reasonable time period of covered discharges to seek coverage under an alternative GP or individual permit. Coverage under this permit will cease at the end of this time period.
5. If a permittee would like to terminate coverage under this GP, a signed, dated request must be submitted, on a form and in a format approved by the Director. When the request is received the Director has sixty days to conduct a site inspection and request additional information about the site before a decision on termination is made. The Director reserves the right to deny any termination request.

Page 30 #13. The language has been changed to the following:

The discharge shall not cause or materially contribute to: distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odor that would adversely affect the designated uses of the affected waters, materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life, distinctly visible color, algae blooms or concentrations of bacteria which may impair or interfere with the designated uses of the affected waters, requiring an unreasonable degree of treatment for the production of potable

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water by modern water treatment processes as commonly employed and any other condition, including radiological exposure, which adversely alters the integrity of the waters of the state; and shall not cause a fish or mussel kill. This is to comply with CSR§47.2-3.2.

The SIC code for facilities eligible for coverage under Sector B-1 has been revised to 2631 to reflect the Federal Multi Sector General Permit.

The SIC codes for facilities eligible for coverage under Sector M has been revised to 2711-2796.

The following effluent limitations have been added to Sector C1-B phosphate manufacturing facilities: 105 mg/l max daily and 35 mg/ average monthly. This sampling is to be done yearly.

WV DEP has determined that Sector S Stormwater Discharges Associated with Motorsports SIC Code 7948 and Sector V Stormwater Discharges Associated with facilities engaged in the transloading of ammonia nitrate SIC Code 5169 are contributors to water quality impairment in West Virginia. Therefore, they are included in this permit to ensure that water quality is protected in the state.

Page 44. Indicates where all stormwater samples must be collected. Added to ensure that permittees know where to sample to ensure that samples collected are representative of the pollutants being discharged.

The following non-stormwater discharges that are mixed with stormwater are allowed. Language has been changed slightly and is now stated as the following below.

The following are non – stormwater discharges that are authorized under this permit for all sectors, provided that all discharges comply with the requirements of this permit:

1. Discharges from emergency/unplanned fire-fighting activities.
2. Fire hydrant flushings.
3. Potable water, including waterline flushings.
4. Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gasses or liquids.
5. Irrigation drainage.
6. Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling.

7. Pavement wash waters where no detergents or hazardous cleaning products (e.g., bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols), and the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials, unless residues are first cleaned up using dry clean-up methods (e.g., applying absorbent materials and sweeping, using hydrophobic mops/rags) and you have implemented appropriate control measures to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement).

8. Uncontaminated ground water or spring water.

9. Foundation or footing drains where flows are not contaminated with process materials.

10. Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from the cooling tower (e.g., piped cooling tower blowdown, drains).

These other sources of non – stormwater must be identified in the facility's SWPPP.

This permit changes all monitoring for all parameters in all relevant sectors from once every six months to quarterly.

The following change has been made to section 13, page 30 water quality standards.

The wording is now as follows:

The discharge shall not cause or materially contribute to: distinctly visible floating or settleable solids, suspended solids, scum, foam or oily slicks; deposits or sludge bank on the bottom; odors in the vicinity of the waters; taste or odors that would adversely affect the designated uses of the affected waters; and shall not cause a fish or mussel kill. The limitations and conditions in this permit for the discharges identified in this permit are limitations and conditions that are necessary to meet applicable water quality standards, Requirements Governing Water Quality Standards 47 CSR 2.

This is changed to better reflect water quality standards and is a standard condition in all individual permits issued by WV DEP.

Page 30. Section 14. Clarifies Antidegradation Requirements.- Indicates in the permit all antidegradation requirements.- This indicates that existing permit registrations are not subject to antidegradation requirements and that new registrations must comply with these requirements.- This requires that all new permit registrations to be advertised in local newspapers with the largest readership.- In addition, best management practices must be implemented and in place and a SWPPP and GPP must be approved before any registrations, either new or reissuance, are issued for coverage under the MSGP.

Commented [A23]: Should these be in numerical order? Page 40 is listed before Page 30.

Commented [A24]: There is no explanation as to why this is an allowable practice. Please explain here.

Commented [A25R24]: Additional explanation added.

Commented [A26]: Seems redundant

Page 29, number 9. The following language has been removed: No exposure cannot be granted on an outlet by outlet basis.

Commented [A27]: Again, not in numerical order

Alternative Certification

A discharge outlet is not subject to the monitoring requirements of Section "A" provided the discharger makes a certification (form provided) for a given outlet, or on a pollutant-by-pollutant basis in lieu of monitoring reports, under penalty of law, signed in accordance with Signatory Requirements as specified in the Appendix. The certification must state that material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, industrial, machinery or operations, or significant materials from past industrial activity, that are located in areas of the facility within the drainage area of the outlet for which the permittee is claiming the certification are not presently exposed to stormwater, and are not expected to be exposed to stormwater, for the certification period.

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Page 31, #19. Establishes requirements for qualified persons to prepare a site's SWPPP. This is being added to be consistent with EPA requirements about who may prepare these plans.

Page 31, #17. The following language was added to define how modifications are to be processed and may be required to be public noticed:

Commented [A28]: Out of numerical order

If a modification is needed, the permittee must apply for a modification using the proper permit registration modification form and may be required to be public noticed. A public notice is required if the modification makes major changes to a site such as adding a new outfall. When modified, the permit registration may include different limitations and/or requirements.

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Page 38, #20. Establishes procedures to allow a permittee to terminate ~~close-out~~ an existing general permit registration. The following language was added:

20. Requirements for ~~closure~~termination of general permit registrations.

A permittee may certify that the site's general permit registration may be terminated by a request if they meet the following requirements:

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(1) The request is submitted to the WV DEP with the following statement:

By completing and submitting this revocation application request, I have reviewed all site conditions and verify that no point sources associated with industrial activity are located on the permitted site.

I certify under penalty of law that I have personally examined, and am familiar with, the information submitted on this ~~closure-termination~~ request and all attachments and that,

based on my inquiry of those individuals immediately responsible for obtaining the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(2) The permittee provides the Director sixty days to conduct a site inspection before the general permit registration is ~~terminated~~.

(3) The request provides photographs, site sketches, disposal logs or any other requirements deemed necessary by the Director to determine that the site no longer needs permit coverage.

The Director reserves the right to deny any ~~closure termination~~ requests.

Commented [A29]: Should be a stand-alone statement. Not a requirement of the permittee, as are 1-3.

Commented [A30R29]: Made a stand alone statement

11. ANTIDEGRADATION REQUIREMENTS

The Stormwater Industrial Multi Sector permit is ~~Best Management Practice (BMP)~~ based and has no discharge permit limits. All monitoring is benchmark monitoring which, if below, has little chance of affecting water quality standards for the receiving stream. The only exception is some activities in certain sectors have effluent limitation guidelines. These sectors are sector C-1B Phosphate Fertilizer Manufacturing, D-2B Asphalt Paving and Roofing Materials Manufacturing, and H-1 Air Transportation Facilities only if the site has airfield pavement deicing and airplane deicing (for new sources only). Currently, there are approximately 1,000 facilities registered under the 2014 Stormwater Industrial Multi-Sector General Permit. Any facility applying to be covered under the new Multi-Sector general permit is required to comply with antidegradation requirements. In order to comply with these requirements, the DWWM requires that these new facilities are ~~are sent to public~~ noticed. There is also a requirement that requires that BMPs are implemented and in place prior to any stormwater discharge. The permit requires that SWPPP's and Groundwater Protection Plans (GPPs) be submitted with the new applications and reviewed and approved prior to the issuance of registrations under the permit.

Commented [A31]: What about benchmarks? While they are not limits, they should still be mentioned here. Also, there are ELG limits listed in the permit. This sentence is not accurate.

Commented [A32R31]: Added sentence to reflect benchmark monitoring.

Commented [A33]: I don't think this an accurate statement.

Commented [A34R33]: Agree sentence changed to reflect all facilities are subject to antideg.

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Commented [A35]: The permit does not explain what the permittee has to do to comply with antidegradation other than to prepare a public notice.

Commented [A36R35]: Explained in next comment.

Commented [A37]: How does this address antidegradation requirements specifically? FS should explain that.

Commented [A38R37]: Both public notice and BMPs need implemented to comply. This has been modified to reflect this.

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Commented [A40]: All other section headings are in all caps

12. ~~Chesapeake Bay TMDL and West Virginia Watershed Improvement Plan (WIP)~~ CHESAPEAKE BAY TMDL AND WEST VIRGINIA WATERSHED IMPROVEMENT PLAN (WIP)

In the ~~s~~State of West Virginia, the Counties of Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy and Pendleton drain ~~in~~to the Chesapeake Bay and must address this issue. All new industrial/commercial post-construction stormwater loading has been included in the 2015 ~~u~~Urban ~~s~~Stormwater ~~L~~loading ~~A~~assessment. ~~That~~ assessment documents the new urban

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development that occurred in the Potomac watershed after January 1, 2011, pre-development land uses, and applied post-construction controls. The assessment evaluated the success or failure of the Watershed Implementation Plan (WIP) strategy to not increase delivered loading from Potomac watershed urban stormwater sources beyond 2010 levels. According to the phase III WIP now in effect, regulated Multi-Sector Stormwater General Permit and Industrial Activity Point source discharges of stormwater associated with industrial activity are regulated by the Multi-Sector Stormwater General Permit (WV0111457) and by individual WV/NPDES permits issued to industrial facilities. Whether individually permitted or controlled by registration under the general permit, industrial facilities are required to develop and implement Groundwater Protection Plans, Stormwater Pollution Prevention Plans and Spill Prevention Control and Countermeasure Plans. Proper implementation renders stormwater discharges of quality similar to urban stormwater. Pollutant reductions were not ~~prescribed~~ by the TMDL ~~waste load~~ ~~waste load~~ allocations for any existing facilities in this subcategory.

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